

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED

DOC#

DATE FILED: 6/30/08

----- x
JAMAL KEARSE,

Plaintiff,

-against-

DEPARTMENT OF CORRECTIONS, et al.,

Defendants.
----- x

:

:

:

:

:

08 Civ. 1503 (AJP)

ORDER OF DISMISSAL ON CONSENT

ANDREW J. PECK, United States Magistrate Judge:

The parties having informed the Court that they have reached a settlement agreement in principle and are finalizing settlement documents (see attached letter), IT IS HEREBY ORDERED THAT this action is dismissed with prejudice and without costs, provided, however, that any party may reinstate the action within 30 days hereof if the settlement is not fully effectuated. Any pending motions are to be terminated as moot.

SO ORDERED.

DATED: New York, New York
June 30, 2008



Andrew J. Peck
United States Magistrate Judge

Copies to: Jamal Kearse (Regular & Certified Mail)
Bradford C. Patrick, Esq. (Fax)



THE CITY OF NEW YORK
LAW DEPARTMENT

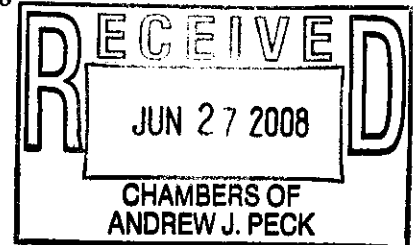
100 CHURCH STREET
NEW YORK, N.Y. 10007

MICHAEL A. CARDOZO
Corporation Counsel

BRADFORD C. PATRICK
Assistant Corporation Counsel
Tel.: (212) 788-1575
Fax: (212) 788-9776

June 27, 2008

BY FAX AT (212) 805-7933
Honorable Andrew J. Peck
United States Magistrate Judge
Southern District of New York
500 Pearl Street
New York, New York 10007-1312



Re: Jamal Kears v. Dep't of Corr., et al., 07 CV 1503 (GBD)(AJP)

Dear Magistrate Judge Peck:

I am an Assistant Corporation Counsel in the Special Federal Litigation Division of the New York City Law Department and the attorney for the New York City Department of Correction ("DOC"), Captain Chestnut, Correction Officer Almanzar, Correction Officer Smith and Physician's Assistant Roche. I am writing on behalf of the parties to inform the Court that this matter has settled. The Stipulation and Order of Settlement and Discontinuance will be submitted shortly. Accordingly, the parties request that the settlement conference scheduled for June 30, 2008 at 9:30 a.m. be cancelled.

Thank you for your consideration in this regard.

Respectfully submitted,

Bradford C. Patrick
Assistant Corporation Counsel
Special Federal Litigation Division

CC: BY HAND

Honorable George B. Daniels
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 1007

BY MAIL

Jamal Kears
Plaintiff Pro Se
C/O T. Fulton
300 Vernon Ave.
Apt. 5W
Brooklyn, NY 11206